

REMARKS

Claim Objections:

Paragraph 2 of the Action objects to claim 50 for the informality: the word “tan” does not make sense. Applicants have amended claim 50 above to correct this error, deleting the “t” in “tan” and leaving the correct word “an” in the claim. Accordingly, Applicants respectfully request withdrawal of the objection.

Drawing Objections:

Paragraph 2 objects to drawings 7-13 because the original drawings are blurred. Applicants have submitted replacement sheets for drawings 8-11. Accordingly, Applicants respectfully request withdrawal of the objection.

Claim Rejections Under §112:

Paragraph 5 of the Action rejects claims 48-52 under 35 U.S.C. § 112 as failing to comply with the enablement requirement. Applicants respectfully traverse the rejection because paragraph 033 of the specification discusses baseline performance matrixes. The matrixes are further described in figure 1 and one of skill in the art can make such a matrix from this disclosure.

The standard for determining whether the specification meets the enablement requirement is “is the experimentation needed to practice the invention undue or unreasonable.” *Mineral Seperation v. Hyde*, 242 U.S. 261, 270 (1916); *In re Wands*, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988). Accordingly, even though the statute does not use the term “undue experimentation,” it has been interpreted to require that the claimed invention be enabled so that any person of skilled in the art can make and use the invention without undue experimentation. *In re Wands*, 858 F.2d at 737, 8 USPQ2d at 1404 (Fed. Cir. 1988). See also *United States v. Teletronics, Inc.*, 857 F.2d 778, 785, 8 USPQ2d 1217, 1223 (Fed. Cir. 1988). Further a patent need not teach and preferably omits what is well known in the art. *In re Buchner*, 929 F.2d 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991); *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1384, 231 USPQ 81, 94 (Fed. Cir. 1986); and *Lindemann Maschinenfabrik*

GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 1463, 221 USPQ 481, 489 (Fed. Cir. 1984).

Claim 48 has been amended to further clarify that the term “baseline matrix” refers to the “baseline performance matrix” described in paragraph 033. As disclosed in the application, the “swing data can...be combined...with the information gathered in step 102 to generate a baseline performance matrix for the golfer” (Paragraph 033). Examples of “swing data” can include, for example, load time and load pattern (Paragraph 038-039, and Figure 2). Examples of information gathered in step 102, referred to as “information” in the claim, can include “determining through the interview process: what equipment the golfer has been using; what the player considers to be the strengths and weaknesses of his golf game; the courses the golfer will likely encounter; the level of competition the golfer encounters; and an evolution of the swing technique of the golfer” (Paragraph 028).

The Action states that “[i]t is uncertain how one of skill is to make this baseline matrix.” A “baseline matrix” or “baseline performance matrix” is known to those of skill in the art. A baseline can be, for example, a “measurement, calculation, or location used as a basis for comparison” (*The American Heritage® Dictionary of the English Language, Fourth Edition Copyright © 2000 by Houghton Mifflin Company*). In other words, it can be the initial swing data and swing information gathered as described above. This can, of course be at an initial fitting for golf equipment or any subsequent fitting that is to be compared to future measurements of swing data and information gathered.

A matrix can be, for example, a “rectangular array of numeric or algebraic quantities subject to mathematical operations...[or] [s]omething resembling such an array, as in the regular formation of elements into columns and rows.” (*The American Heritage® Dictionary of the English Language, Fourth Edition Copyright © 2000 by Houghton Mifflin Company*). Therefore, a “baseline matrix” or “baseline performance matrix” can, for example, be initial swing data and swing information combined to form a regular formation of each swing data and swing information elements into columns and rows. Programming of such matrixes and arrays are well known in the engineering and programming arts. Further, since matrixes and arrays are well known within the programming and engineering arts, it would not require undue

experimentation to combine known data and information as described by example in the application into a “baseline matrix” or “baseline performance matrix” as admitted by the Action on page 6, which states that “clearly an artisan skilled in the art of using all this date (sic) would have suitable means for recording that data and reading it for which a baseline matrix is included.” Accordingly, Applicants respectfully request withdrawal of the rejection as to claims 48-52.

The Action further states that the words “used to determine fit the golfer’s swing technique needs modification” do not make sense. Applicants have amended claim 48 above to correct this typographical error, replacing the word “fit” with the word “if” in claim 48. Accordingly, Applicants respectfully request withdrawal of the rejection as to claims 48-52.

Claim Rejections Under §103:

Paragraph 8 of the Action rejects claims 1, 6 and 43 under 35 U.S.C. 103(a) as being obvious in view of Hammond in further view of Antonious (U.S. Patent No. 5,916,041). Applicants respectfully traverse the rejection because Hammond and Antonious, alone or in combination, fail to teach, suggest, or disclose all elements of the claims for at least the reasons described below. In particular, the references, alone or combined, do not teach combining swing data with information related to a golfer’s current swing in order to derive swing parameters for use in fitting a golfer with golf equipment.

Accordingly, the Action fails to make out a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).” (See MPEP §706.02(j)).

In this instance, the references used to reject claim 1 fail to meet all three of these requirements. First, the references fail to teach each and every claim limitation. The Action admits that Hammonds does not teach the limitation in claim 1 of determining swing information related to a golfer's current swing, combining the determined swing information with swing data to derive swing parameters for use in fitting a golfer with equipment. Accordingly, Hammonds cannot render claim 1 unpatentable.

Antonious is directed to a golf club head with outer peripheral weighting (See the Title). Antonious is not directed to systems and methods for measuring swing data and combining it with swing information related to a golfer's current swing in order to derive swing parameters. Accordingly, Antonious cannot render claim 1 unpatentable.

Moreover, Hammond combined with Antonious cannot render claim 1 unpatentable, because neither reference teaches, suggest, or discloses determining swing information related to a golfer's current swing, combining the determined swing information with swing data to derive swing parameters for use in fitting a golfer with equipment, which is an express limitation of claim 1. Thus, Hammonds and Antonious, alone or in combination, fail to teach, suggest, or disclose each and every element of claim 1 as required to sustain a prima facie case of obviousness.

Second, the rejection must fail because the reference was improperly combined. The Action admits that Hammond does not teach determining swing information related to a golfer's current swing, combining swing information with swing data to derive swing parameters for use in fitting a golfer with golf equipment. As noted above, neither does Antonious. Accordingly, the Action appears to be relying on Antonious to provide a motivation to modify the teaching of Hammonds in order to achieve the invention as claimed in claim 1, which it does not.

The Action attempts to provide a motivation to combine by stating that "In view of Antonious it would have been obvious to modify the method of fitting a golfer with equipment of Hammond with these steps of determining swing information related to a golfer's current swing, combining swing information with swing data to derive swing parameters for use in fitting a golfer with equipment, and swing information being related to the course and conditions the golfer normally encounters in order to have equipment including the heads which optimize

energy transfer from a head to a ball for courses and conditions a player plays in.” The Action at best appears to be base this rejection on Hammond, Antonious and improper hindsight since neither Hammond or Antonious, alone or in combination, teach determining swing information related to a golfer’s current swing and combining swing information with swing data to derive swing parameters for use in fitting a golfer with golf equipment.

Hammond simply teaches obtaining swing data from strain gauges. Antonious simply teaches that the golf club head weight can be selected based on how a golfer strikes a ball. But neither reference teaches, suggests or discloses determining swing information related to a golfer’s current swing and combining swing information with swing data to derive swing parameters for use in fitting a golfer with golf equipment.

Third, the Action makes no attempt to provide a likelihood of success and, therefore, combining the two references was improper on that basis alone.

Applicants respectfully assert that claim 1 is allowable because the Action fails to make out a *prima facie* case of obviousness for each of the reasons stated above. In addition, however, Applicant has amended claim 1 to indicate that fitting the golfer with golf equipment includes, “optimizing a launch angle and spin rate based on the derived swing parameters.” Applicants respectfully asserts that neither Hammonds or Antonious, alone or in combination, teach this additional limitation.

Because the Action fails to make a *prima facie* case of obviousness, Applicant respectfully request that the rejection be withdrawn as to claims 1. Claims 6 and 43 depend from allowable claim 1 and are allowable for at least the reasons discussed above. Applicants, therefore, respectfully request withdrawal of the rejection as to claims 6 and 43.

Paragraph 9 of the Action rejects claims 1-8, 45-46, 48 and 50 under 35 U.S.C. 103(a) as being obvious in view of Hammond in further view of Naruo (U.S. Patent No. 5,821,417). Applicants respectfully traverse the rejection because Hammond and Naruo, alone or in combination, fail to teach, suggest, or disclose all elements of the claims for at least the reasons described below.

With respect to claim 1, the Action again admits that Hammond does not teach each and every element of the claims as described above. In addition, the Action admits that Naruo does not teach each and every element of claim 1. Thus, the Action fails to make out a *prima facie* case of obviousness, because neither Hammond or Naruo, alone or in combination teach, suggest, or, disclose each and every element of claim 1. Further, the Action provides no motivation to combine the references, or any indication of how, given that the reference, alone or in combination, fail to teach each and every element of the claims, one would be successful in achieving the invention if one were to modify the teachings of Hammond based on Naruo.

The Action attempts to provide a motivation to combine by simply stating that “In view of Naruo it would have been obvious to modify the method and systems of Hammond...” This, however, is not enough to support a *prima facie* case of obviousness. Each finding of fact upon which a conclusion of obviousness is based must be supported by substantial evidence and, in particular the conclusion that the prior art suggests or motivates the modification of a prior art reference must be based on findings supported by substantial evidence. *In re Kotzab*, 217 F. 3d 1365, 1370-71 (Fed. Cir. 2000). Hence, a *prima facie* case of obviousness cannot be made out by merely asserting that modifications to the prior art are “well within the ordinary skill of the art.” *Ex Parte Leavengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). Applicant asserts that the Action fails to make out a *prima facie* case of obviousness for claim 1, because it fails to provide the substantial evidence in support of the conclusion that the cited reference teaches a motivation to modify the teachings of Hammond. The Action at best appears to base this rejection on Hammond, Naruo and improper hindsight.

Applicants respectfully assert that claim 1 is allowable because the Action fails to make out a *prima facie* case of obviousness for each of the reasons stated above. In addition, however, Applicant has amended claim 1 to indicate that fitting the golfer with golf equipment includes, “optimizing a launch angle and spin rate based on the derived swing parameters.” Applicants respectfully asserts that neither Hammonds or Naruo, alone or in combination, teach this additional limitation.

Because the Action fails to make a *prima facie* case of obviousness, Applicant respectfully request that the rejection be withdrawn as to claim 1. Claims 2-8, 45-46, 48 and 50

depend from allowable claim 1 and are allowable for at least the reasons discussed above. Applicants, therefore, respectfully request withdrawal of the rejection as to claims 2-8, 45-46, 48 and 50.

Applicant request withdrawal of the rejection as to claim 48 for the further reason that the Action admits that neither reference teaches a baseline performance matrix as required by this claim.

Paragraph 10 of the Action rejects claims 1, 6 and 41 under 35 U.S.C. 103(a) as being obvious in view of Hammond in further view of Nauck (U.S. Patent No. 5,616,832). Applicants respectfully traverse the rejection because Hammond and Nauck, alone or in combination, fail to teach, suggest, or disclose all elements of the claims for at least the reasons described below.

As for claim 1, Hammond cannot render these claims unpatentable, because Hammond does not teach each and every element of the claims as described above. Accordingly, the Action must rely on Nauck to make up for the deficiencies of Hammond. Nauck cannot make up for these deficiencies, however, because Nauck also fails to teach, suggest, or disclose, determining swing information related to a golfer's current swing and combining swing information with swing data to derive swing parameters for use in fitting a golfer with equipment as claimed in claim 1.

Second, the rejection must fail because the reference was improperly combined. As noted above, "[t]he teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." See MPEP §706.02(j). The Action attempts to provide a motivation to combine by stating that "In view of Nauck it would have been obvious to modify the method and systems of Hammond..." however, Each finding of fact upon which a conclusion of obviousness is based must be supported by substantial evidence and, in particular the conclusion that the prior art suggests or motivates the modification of a prior art reference must be based on findings supported by substantial evidence. *In re Kotzab*, 217 F. 3d 1365, 1370-71 (Fed. Cir. 2000). Hence, a *prima facie* case of obviousness cannot be made out by merely asserting that modifications to the prior art are "obvious" or "well within the ordinary skill of the art." *Ex Parte Leavengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993).

Accordingly, Applicant asserts that the Action fails to make out a *prima facie* case of obviousness, because it fails to provide the substantial evidence in support of the conclusion that the cited reference teaches a motivation to modify the teachings of Hammond. The rejection of claim 1 at best appears to be based on Hammond, Nauck and improper hindsight.

Applicants respectfully assert that claim 1 is allowable because the Action fails to make out a *prima facie* case of obviousness for each of the reasons stated above. In addition, however, Applicant has amended claim 1 to indicate that fitting the golfer with golf equipment includes, “optimizing a launch angle and spin rate based on the derived swing parameters.” Applicants respectfully asserts that neither Hammonds or Nauck, alone or in combination, teach this additional limitation.

Because the Action fails to make a *prima facie* case of obviousness, Applicant respectfully request that the rejection be withdrawn as to claim 1. Applicants, therefore, respectfully request withdrawal of the rejection as to claim 1. Claims 6 and 41 depend from allowable claim 1 and are allowable for at least the reasons discussed above. Applicants, therefore, respectfully request withdrawal of the rejection as to claims 6 and 41.

Paragraph 11 of the Action rejects claims 1, 6 and 41 under 35 U.S.C. 103(a) as being obvious in view of Hammond in further view of Sayers (U.S. Patent No. 5,616,832). Applicants respectfully traverse the rejection because Hammond and Sayers, alone or in combination, fail to teach, suggest, or disclose all elements of the claims for at least the reasons described below.

The Action is again relaying on Sayers to make up for the deficiencies of Hammond. But as with Antonious, Narou, and Nauck, Sayers fails to teach suggest or disclose determining swing information related to a golfer’s current swing and combining swing information with swing data to derive swing parameters for use in fitting a golfer with equipment as claimed in claim 1. In order to support a *prima facie* case of obviousness at least one reference must teach determining swing information related to a golfer’s current swing, combining swing information with swing data to derive swing parameters for use in fitting a golfer with equipment as claimed in claim 1. None of the references cited so far teach this limitation and neither does Sayers.

Moreover, for all the reasons stated above, it is not enough to support a *prima facie* case of obviousness to simply state that while none of the references teach all the limitations, it would have been obvious to modify Hammond to achieve the invention of claim 1. Thus, as with the previous references, Sayers has been improperly combined with Hammond.

Applicants respectfully assert that claim 1 is allowable because the Action fails to make out a *prima facie* case of obviousness for each of the reasons stated above. In addition, however, Applicant has amended claim 1 to indicate that fitting the golfer with golf equipment includes, “optimizing a launch angle and spin rate based on the derived swing parameters.” Applicants respectfully asserts that neither Hammonds or Sayers, alone or in combination, teach this additional limitation.

Because the Action fails to make a *prima facie* case of obviousness, Applicant respectfully request that the rejection be withdrawn as to claim 1. Applicants, therefore, respectfully request withdrawal of the rejection as to claim 1. Claims 6 and 41 depend from allowable claim 1 and are allowable for at least the reasons discussed above. Applicants, therefore, respectfully request withdrawal of the rejection as to claims 6 and 41.

Paragraph 12 of the Action rejects claims 1, 6 and 41 under 35 U.S.C. 103(a) as being obvious in view of Hammond in further view of Mann (U.S. Patent No. 5,616,832). Applicants respectfully traverse the rejection because Hammond and Mann, alone or in combination, fail to teach, suggest, or disclose all elements of the claims for at least the reasons described below.

Again, Mann cannot make up for the deficiencies of Hammond because Mann fails to teach, suggest, or disclose determining swing information related to a golfer’s current swing, combining swing information with swing data to derive swing parameters for use in fitting a golfer with equipment as claimed in claim 1. Accordingly, the Action fails to make out a *prima facie* case of obviousness with respect to claim 1.

Applicants respectfully assert that claim 1 is allowable because the Action fails to make out a *prima facie* case of obviousness for each of the reasons stated above. In addition, however, Applicant has amended claim 1 to indicate that fitting the golfer with golf equipment includes, “optimizing a launch angle and spin rate based on the derived swing parameters.” Applicants

respectfully asserts that neither Hammonds or Mann, alone or in combination, teach this additional limitation.

Because the Action fails to make a prima facie case of obviousness, Applicant respectfully request that the rejection be withdrawn as to claim 1. Applicants, therefore, respectfully request withdrawal of the rejection as to claim 1. Claims 6 and 41 depend from allowable claim 1 and are allowable for at least the reasons discussed above. Applicants, therefore, respectfully request withdrawal of the rejection as to claims 6 and 41.

Paragraph 13 of the Action rejects claim 47 under 35 U.S.C. 103(a) as being obvious in view of Hammond in further view of Sayers as applied to claims 1, 6, 42 and 45 above, and further in view of Cervantes. Applicants respectfully traverse the rejection because Hammond Sayers and Cervantes, alone or in combination, fail to teach, suggest, or disclose all elements of the claims for at least the reasons described below.

Claim 47 ultimately depends from allowable claim 1 and is allowable for at least the reasons discussed above with Unless Cervantes can make up for the deficiencies of Hammond and Sayers, which it cannot. Accordingly, Applicant respectfully requests withdrawal of the rejection as to claim 47.

Applicant request withdrawal of the rejection for the further reason that Cervantes discloses a “golf club point of impact and relative club velocity indicator” that records the “relative velocity and location at which the head of a golf club impacts a golf ball,” nothing in Cervantes, Hammond, or Sayers teaches that swing flaws should be corrected prior to fitting as disclosed and claimed in claim 47. Applicants, therefore, respectfully request withdrawal of the rejection as to claim 47.

Paragraph 14 of the Action rejects claim 49 under 35 U.S.C. 103(a) as being obvious in view of Hammond in further view of Naruo as applied to claims 1-8, 45-46, 48 and 50 above, and further in view of Cervantes. Applicants respectfully traverse the rejection because Hammond, Naruo and Cervantes, alone or in combination, fail to teach, suggest, or disclose all elements of the claims for at least the reasons described below.

Claim 49 ultimately depends from allowable claim 1 and is allowable for at least the reasons discussed above unless Cervantes can make up for the deficiencies of Hammond and Naruo, which it cannot. Accordingly, Applicant respectfully requests withdrawal of the rejection as to claim 49.

Applicant request withdrawal of the rejection for the further reason that Cervantes does not teach “providing swing instruction” as claimed in claim 49. Cervantes teaches providing “the golfer with information indicating that his golf swing technique was not properly executed” based on marks made at the point of impact, not providing swing instruction. Applicants, therefore, respectfully request withdrawal of the rejection as to claim 49.

Paragraph 15 of the Action rejects claims 51-52 under 35 U.S.C. 103(a) as being obvious in view of Hammond in further view of Naruo as applied to claims 1-8, 45-46, 48 and 50 above, and further in view of Gobush. Applicants respectfully traverse the rejection because Hammond, Naruo and Gobush, alone or in combination, fail to teach, suggest, or disclose all elements of the claims for at least the reasons described below.

Claims 51-52 ultimately depend from allowable claim 1 and is allowable for at least the reasons discussed above unless Gobush can make up for the deficiencies of Hammond and Naruo, which it cannot. Accordingly, Applicant respectfully requests withdrawal of the rejection as to claims 51-52.

Paragraph 16 of the Action rejects claims 26-32, 35, 37-38 and 40 under 35 U.S.C. 103(a) as being obvious in view of Hammond in further view of Naruo and further in view of Examiner’s Official Notice. Applicants respectfully traverse the rejection because Hammond, Naruo and the Examiner’s Official Notice, alone or in combination, fail to teach, suggest, or disclose all elements of the claims for at least the reasons described below.

The Action states that “Naruo discloses “a high speed color camera.” The Applicants believe that this is a typographical error since Naruo does not teach color cameras and the Action later states that the examiner takes Official Notice that it is “well known to have cameras which record in color.” If Naruo taught the use of color cameras it would not be necessary to take official notice that color cameras are well known. Thus, Applicant asserts, and believes that the

Action admits, that neither Naruo or Hammond, alone or in combination, teach the use of a color camera.

The Action attempts to make up for the fact that none of the references teach a color camera by taking official notice that color cameras are well known. Applicant admits that color cameras are well known; however, this is not the test for establishing a *prima facie* case of obviousness. The test is whether one of skill in the art would have known to use color cameras in the manner described and claimed with respect to claim 26. In order to show that one of skill in the art would have known to use Color cameras in the manner described, the Action must show that three basic criteria must be met. These have been listed above, but will be restated here: First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).” (See MPEP §706.02(j)).

The rejection must fail, because the Action admits that none of the references teach the use of a color camera as described and claimed. And since none of the references teach the use of color cameras, there can be no motivation to combine them to achieve the use of color cameras as claimed and certainly no indication that one would be successful in using color cameras in the manner claimed.

Use of color cameras is not a trivial limitation. As mentioned, systems that use black and white cameras, such as the system disclosed in Naruo, do not provide sufficient data to determine the spin information needed to optimize the golfer's equipment selection (See ¶ 071). “By using a color high-speed camera, more accurate, or more reliable launch data can be obtained (See ¶ 072).”

Paragraph 17 of the Action rejects claims 33-34 under 35 U.S.C. 103(a) as being obvious in view of Hammond in further view of Naruo and Examiner's Official Notice further in view of Kawaguchi. Applicants respectfully traverse the rejection because Hammond, Naruo, the

Examiner's Official Notice, and Kawaguchi alone or in combination, fail to teach, suggest, or disclose all elements of the claims for at least the reasons described below.

Claims 33-34 ultimately depend from allowable claim 26 and are allowable for at least the reasons discussed above unless Kawaguchi can make up for the deficiencies described above, which it of course cannot. Accordingly, Applicants respectfully request withdrawal of the rejection as to claims 33-34.

Paragraph 18 of the Action rejects claims 36 and 39 under 35 U.S.C. 103(a) as being obvious in view of Hammond in further view of Naruo and Examiner's Official Notice further in view of Evans. Applicants respectfully traverse the rejection because Hammond, Naruo, the Examiner's Official Notice, and Evans alone or in combination, fail to teach, suggest, or disclose all elements of the claims for at least the reasons described below.

Claims 36 and 39 ultimately depend from allowable claim 26 and are allowable for at least the reasons discussed above unless Evans can make up for the deficiencies described above, which it of course cannot. Accordingly, Applicants respectfully request withdrawal of the rejection as to claims 36 and 39.

Paragraph 19 of the Action rejects claims 53-58 under 35 U.S.C. 103(a) as being obvious in view of Hammond in further view of Naruo and Examiner's Official Notice further in view of Gobush. Applicants respectfully traverse the rejection because Hammond, Naruo, the Examiner's Official Notice, and Gobush alone or in combination, fail to teach, suggest, or disclose all elements of the claims for at least the reasons described below.

Claims 53-58 ultimately depend from allowable claim 26 and are allowable for at least the reasons discussed above unless Gobush can make up for the deficiencies described above, which it of course cannot. Accordingly, Applicants respectfully request withdrawal of the rejection as to claims 53-58.

Paragraph 20 of the Action disagrees with the argument that Nauro does not disclose determining swing information related to the golfer's current swing and combining the swing information with the swing data. This disagreement is moot due to the arguments above.

Specifically, Naruo does not disclose “determining swing information related to a golfer’s current swing and combining the determined swing information with the swing data to determine swing parameters.” The swing information is information such as equipment the golfer uses, the golfer’s strengths and weaknesses, the courses and conditions the golfer normally encounters, etc. This information can be determined during an interview process (see ¶ 28 and step 102 in figure 1). This information is not Launch data obtained through Launch monitors that use cameras, as asserted in paragraph 20. The present application discusses such launch data in a different section of the detailed description and it is clear that the two are not the same.

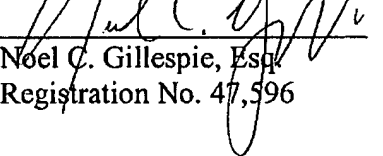
Further, the Action states that it would be obvious to add cameras to the system of Hammonds, however, the combination of Hammonds and Naruo would not, as discussed above, achieve the invention as claimed .

CONCLUSION

No additional fees are deemed to be due, however, the Commissioner is hereby authorized to charge any additional fee and/or credit any overpayment to Deposit Account Number 13-0480.

Respectfully submitted,

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